

By:

Harris

5.B. No. 416

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of boilers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. ^{Subsection (b)} Section 755.011~~(b)~~, Health and Safety Code, is amended to read as follows:

(b) The board is composed of the following nine members appointed by the commissioner:

(1) three members representing persons who own or use boilers in this state;

(2) three members representing companies that insure boilers in this state;

(3) one member representing boiler manufacturers or installers;

(4) one member representing organizations that repair or alter boilers ~~[who is a mechanical engineer and a member of the faculty of a recognized college of engineering]~~ in this state; and

(5) one member representing a labor union.

^{Subsections (a) and (c)} SECTION 2. ⁵ Sections 755.026~~(a) and (c)~~, Health and Safety Code, are amended to read as follows:

(a) With the approval of the commissioner and the inspection agency that has jurisdiction for the power boiler, the interval between internal inspections may be extended to a period not exceeding a total of 60 ~~[48]~~ months. For ~~[other]~~ unfired steam boilers or steam collection or liberation drums of process steam

1 generators, the inspection interval may be extended to the next
2 scheduled downtime of the boiler, but not exceeding a total of:

3 (1) 84 months for unfired steam boilers; or

4 (2) 120 months for steam collection or liberation
5 drums of process steam generators.

6 (c) In addition to an extension authorized under Subsection
7 (a), the [The] commissioner and the inspection agency may grant an
8 emergency [additional] extension for a period not exceeding 120
9 days to the inspection interval covered by the boiler's certificate
10 of operation on receipt of a request for extension stating that an
11 emergency exists. Before the extension may be granted, the
12 inspection agency must make an external inspection of the boiler,
13 and the conditions imposed under Subsection (b) must be met. The
14 commissioner and the inspection agency may not grant more than one
15 emergency extension under this subsection in an interval between
16 internal inspections.

17 SECTION 3. This Act takes effect September 1, 2003.

1-1 By: Harris

S.B. No. 416

1-2 (In the Senate - Filed February 10, 2003; February 17, 2003,
1-3 read first time and referred to Committee on Business and Commerce;
1-4 March 3, 2003, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; March 3, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the regulation of boilers.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Subsection (b), Section 755.011, Health and
1-11 Safety Code, is amended to read as follows:

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1-13 appointed by the commissioner:

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1-15 boilers in this state;

1-16 (2) three members representing companies that insure
1-17 boilers in this state;

1-18 (3) one member representing boiler manufacturers or
1-19 installers;

1-20 (4) one member representing organizations that repair
1-21 or alter boilers ~~[who is a mechanical engineer and a member of the~~
1-22 ~~faculty of a recognized college of engineering]~~ in this state; and

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1-27 agency that has jurisdiction for the power boiler, the interval
1-28 between internal inspections may be extended to a period not
1-29 exceeding a total of 60 ~~[48]~~ months. For ~~[other]~~ unfired steam
1-30 boilers or steam collection or liberation drums of process steam
1-31 generators, the inspection interval may be extended to the next
1-32 scheduled downtime of the boiler, but not exceeding a total of:

1-33 (1) 84 months for unfired steam boilers; or

1-34 (2) 120 months for steam collection or liberation
1-35 drums of process steam generators.

1-36 (c) In addition to an extension authorized under Subsection
1-37 (a), the [The] commissioner and the inspection agency may grant an
1-38 emergency [additional] extension for a period not exceeding 120
1-39 days to the inspection interval covered by the boiler's certificate
1-40 of operation on receipt of a request for extension stating that an
1-41 emergency exists. Before the extension may be granted, the
1-42 inspection agency must make an external inspection of the boiler,
1-43 and the conditions imposed under Subsection (b) must be met. The
1-44 commissioner and the inspection agency may not grant more than one
1-45 emergency extension under this subsection in an interval between
1-46 internal inspections.

1-47 SECTION 3. This Act takes effect September 1, 2003.

1-48 * * * * *

**FAVORABLE
SENATE COMMITTEE REPORT ON**

(SB) SCR SJR SR HB HCR HJR 416
By Sen. Harris
(Author/Senate Sponsor)
3-3-03
(date)

We, your Committee on BUSINESS AND COMMERCE, to which was referred the attached measure, have on Feb. 27, 2003, had the same under consideration and I am instructed to report it back with the recommendation (s) that it:

☒ do pass and be printed

☐ do pass and be ordered not printed

☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☐ no

An actuarial analysis was requested. ☐ yes ☐ no

Considered by subcommittee. ☐ yes ☐ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Troy Fraser, Chairman	✓			
Senator Kip Averitt, Vice-Chairman	✓			
Senator Ken Armbrister	✓			
Senator Kim Brimer	✓			
Senator Craig Estes	✓			
Senator Mike Jackson	✓			
Senator Eddie Lucio	✓			
Senator Leticia Van de Putte	✓			
Senator Tommy Williams	✓			
TOTAL VOTES	9	0	0	0

COMMITTEE ACTION

S260 Considered in public hearing
S270 Testimony taken

Barbara Henderson
COMMITTEE CLERK

Tyron
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill
Retain one copy of this form for Committee files

WITNESS LIST

SB 416

SENATE COMMITTEE REPORT

Business & Commerce

February 27, 2003 - 9:00AM

FOR: Thain, Donald (Shell), Houston, TX

ON: Kuntz, Jr., William H. (Texas Department of Licensing & Regulation), Austin, TX

BILL ANALYSIS

Senate Research Center
78R1228 JTS-D

S.B. 416
By: Harris
Business & Commerce
2/26/2003
As Filed

DIGEST AND PURPOSE

Currently, Texas law requires power and unfired steam boilers and steam collection or liberation drums of process steam generators to receive internal inspections, for which a complete shutdown of the unit is usually required. Additionally, current Texas law does not require organizations that repair or alter boilers to be represented on the board of boiler rules. Complete shutdowns of the above-mentioned boilers can negatively impact business and the environment. As proposed, S.B. 416 increases the interval between internal inspections for power boilers and process steam generators and allows for emergency extensions. S.B. 416 also includes an individual representing organizations that repair or alter boilers on the board of boiler rules, replacing the required mechanical engineer or engineering professor.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 755.011(b), Health and Safety Code, to redesignate one member of the nine member-board of boiler rules as an individual representing organizations that repair or alter boilers rather than a mechanical engineer or a faculty member of a recognized college of engineering.

SECTION 2. Amends Sections 755.026(a) and (c), Health and Safety Code, as follows:

(a) Authorizes an extended interval between inspections of power boilers not to exceed 60 months, rather than 48 months. Authorizes inspection intervals for unfired steam boilers, rather than other unfired steam boilers, or steam collection or liberation drums of process steam generators to be extended to the next scheduled downtime. Prohibits the extension from exceeding 84 months for unfired steam boilers, and 120 months for steam collection or liberation drums of process steam generators. Makes nonsubstantive changes.

(c) Includes the authorized extensions under Subsection (a) in addition to the authorized emergency extension. Includes a prohibition against the commissioner of licensing and regulation and the inspection agency granting more than one emergency extension in an interval between internal inspections. Makes nonsubstantive changes.

SECTION 3. Effective date: September 1, 2003.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

February 26, 2003

TO: Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB416 by Harris (Relating to the regulation of boilers.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The Texas Department of Licensing and Regulation indicates that implementing the provisions of the bill could be accomplished within the agency's current resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 452 Department Of Licensing And Regulation

LBB Staff: JK, JO, JRO, RT, RB

REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that SB 416, by Sen. Harris,
(Bill No.) (Author/Sponsor)
was heard by the Committee on Business & Commerce on Feb. 27, 2003,
and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

Barbara Henderson
(Clerk of the reporting committee)

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A COMMITTEE PRINTED VERSION OF THE BILL OR RESOLUTION AND SHOULD BE DELIVERED TO THE ADMINISTRATION COMMITTEE OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS AND RESOLUTIONS WILL BE ANNOUNCED ON A REGULAR BASIS.

Engrossed March 13, 2003

Mardi Cleypnd

Engrossing Clerk

I certify this to be a true and correct
copy of the indicated document as
referred or transmitted to committee.

Chief Clerk of the House

By: Harris
(Flores)

S.B. No. 416

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Austin, Texas

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February 26, 2003

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The Texas Department of Licensing and Regulation indicates that implementing the provisions of the bill could be accomplished within the agency's current resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 452 Department Of Licensing And Regulation

LBB Staff: JK, JO, JRO, RT, RB

HOUSE COMMITTEE REPORT

03 APR 15 AM 11:38
HOUSE OF REPRESENTATIVES

1st Printing

By: Harris
(Flores)

S.B. No. 416

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SECTION 3. This Act takes effect September 1, 2003.

COMMITTEE REPORT

The Honorable Tom Craddick
Speaker of the House of Representatives

April 10, 2003
(date)

Sir:

We, your COMMITTEE ON LICENSING AND ADMINISTRATIVE PROCEDURES

to whom was referred SB416 have had the same under consideration and beg to report back with the recommendation that it

- ☒ do pass, without amendment.
☐ do pass, with amendment(s).
☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
☐ yes ☒ no A fiscal note was requested.
☐ yes ☒ no A criminal justice policy impact statement was requested.
☐ yes ☒ no An equalized educational funding impact statement was requested.
☐ yes ☒ no An actuarial analysis was requested.
☐ yes ☒ no A water development policy impact statement was requested.
☐ yes ☒ no A tax equity note was requested.
☐ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor Flores

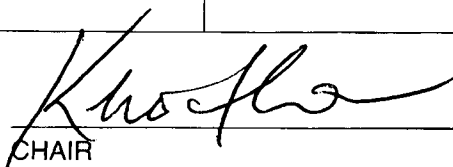
Joint Sponsors: _____ / _____ / _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Flores, Chair	X			
Hamilton, Vice-chair				X
Driver	X			
Eissler				X
Goolsby	X			
Homer	X			
Jones, D.	X			
Raymond				X
Wise	X			

Total
6 aye
0 nay
0 present, not voting
3 absent


CHAIR

BILL ANALYSIS

S.B. 416
By: Harris
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, Texas law requires power and unfired steam boilers and steam collection or liberation drums of process steam generators to receive internal inspections, for which a complete shutdown of the unit is usually required. Additionally, current Texas law does not require organizations that repair or alter boilers to be represented on the board of boiler rules.

Complete shutdowns of the above-mentioned boilers can negatively impact business and the environment.

As proposed, S.B. 416 increases the interval between internal inspections for power boilers and process steam generators and allows for emergency extensions. S.B. 416 also includes an individual representing organizations that repair or alter boilers on the board of boiler rules, replacing the required mechanical engineer or engineering professor.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 755.011(b), Health and Safety Code, to redesignate one member of the nine member-board of boiler rules as an individual representing organizations that repair or alter boilers rather than a mechanical engineer or a faculty member of a recognized college of engineering.

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EFFECTIVE DATE

September 1, 2003.

SUMMARY OF COMMITTEE ACTION

SB 416

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April 10, 2003 8:00AM

Considered in public hearing

Reported favorably without amendment(s)

A

2

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

February 26, 2003

TO: Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

FROM: John Keel, Director, Legislative Budget Board

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SECTION 3. This Act takes effect September 1, 2003.

S.B. No. 416

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 416 passed the Senate on
March 13, 2003, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 416 passed the House on
April 24, 2003, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

February 26, 2003

TO: Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB416 by Harris (Relating to the regulation of boilers.), **As Introduced**

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Source Agencies: 452 Department Of Licensing And Regulation

LBB Staff: JK, JO, JRO, RT, RB

3/4cert

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 416 passed the Senate on
March 13, 2003, by the following vote: Yeas 30,
Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 416 passed the House on
April 24, 2003, by ~~the following vote: Yeas~~ 70
Nays 70 [^]
a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor

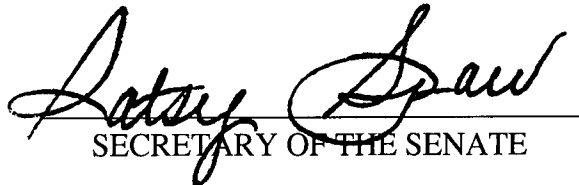
S.B. No. 416

By Harris

A BILL TO BE ENTITLED

AN ACT
relating to the regulation of boilers.

FEB 10 2003 Filed with the Secretary of the Senate **BUSINESS AND**
FEB 17 2003 Read and referred to Committee on **COMMERCE**
MAR 3 2003 Reported favorably _____
Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.
Ordered not printed
Laid before the Senate
MAR 13 2003 Senate and Constitutional Rules to permit consideration suspended by: { ~~unanimous consent~~
30 yeas, 0 nays
MAR 13 2003 Read second time, _____, and ordered engrossed by: { ~~unanimous consent~~
~~a viva voce vote~~
_____ yeas, _____ nays
MAR 13 2003 Senate and Constitutional 3 Day Rule suspended by a vote of 30 yeas, 0 nays.
MAR 13 2003 Read third time, _____, and passed by: { ~~A viva voce vote~~
30 yeas, 0 nays

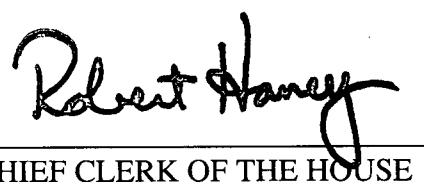

SECRETARY OF THE SENATE

OTHER ACTION:

March 13, 2003 Engrossed
March 13, 2003 Sent to House

Engrossing Clerk Mandi Allfench

MAR 13 2003 Received from the Senate
MAR 18 2003 Read first time and referred to Committee on **Licensing & Administrative Procedures**
APR 10 2003 Reported _____ favorably (~~as amended~~) (~~as substituted~~)
APR 16 2003 Sent to Committee on (Calendars) (~~Joint & Consent Calendar~~)
APR 23 2003 Read second time (~~amended~~); passed to third reading (~~failed~~) by a (non-record vote) (~~present not voting~~)
Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of _____ yeas, _____ nays, _____ present, not voting.
APR 24 2003 Read third time (~~amended~~); finally passed (~~failed to pass~~) by a (non-record vote) (~~present not voting~~)
APR 24 2003 Returned to Senate.
APR 24 2003 Returned from House without amendment.
Returned from House with _____ amendments.
Concurred in House amendments by a viva voce vote _____ yeas, _____ nays.


CHIEF CLERK OF THE HOUSE

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____
_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;
_____, _____, _____.

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays

03 APR 15 AM 11:38
HOUSE OF REPRESENTATIVES